

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 12/12/2019 7:03:21 PM
To: Walker, Mary [walker.mary@epa.gov]; Ross, David P [ross.davidp@epa.gov]
Subject: RE: ATTORNEY-CLIENT PRIVILEGE / INTERNAL - DELIBERATIVE - Non-Federal Designation of FL

I'm available for a few minutes now or can step out of meetings anytime after 4:30.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Walker, Mary <walker.mary@epa.gov>
Sent: Thursday, December 12, 2019 1:52 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE / INTERNAL - DELIBERATIVE - Non-Federal Designation of FL

Can you and Dave and I have a quick call today? I can be available when you both are. I'll ask my assistant to try to set up a quick call.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, December 12, 2019 1:28 PM
To: Walker, Mary <walker.mary@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE / INTERNAL - DELIBERATIVE - Non-Federal Designation of FL

PRIVILEGED—DELIBERATIVE

Dave, Mary,

Thanks for the time to consider this issue further. I have discussed the matter with my staff, and we advise Ex. 5 Attorney Client (AC)

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Of course, I'd be glad to discuss further.

Best,

David

David Fotouhi

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From: Walker, Mary <walker.mary@epa.gov>
Sent: Thursday, December 12, 2019 10:41 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE / INTERNAL - DELIBERATIVE - Non-Federal Designation of FL

Thank you David.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, December 11, 2019 4:04 PM
To: Walker, Mary <walker.mary@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE / INTERNAL - DELIBERATIVE - Non-Federal Designation of FL

Hi, Mary. I'd like to discuss the draft with my staff in light of yesterday's CEQ meeting to ensure that we're providing the appropriate counsel to you and Dave on this approach—I should be able to accomplish this and circle back with you by midday tomorrow.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
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fotouhi.david@epa.gov

From: Walker, Mary <walker.mary@epa.gov>
Sent: Wednesday, December 11, 2019 3:22 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: Re: ATTORNEY-CLIENT PRIVILEGE / INTERNAL - DELIBERATIVE - Non-Federal Designation of FL

Dave and David,

I wanted to confirm with you that I can issue the attached letters tomorrow. I spoke with Noah today on another matter and he expressed interest in receiving it. Are you comfortable with us moving forward on this?

If we should discuss please let me know and I'll have my folks set a call for tomorrow.

Thanks
Mary

Sent from my iPhone

On Dec 6, 2019, at 2:20 PM, Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov> wrote:

Mary, Dave and David,

Attached for your consideration are draft letters indicating EPA's voluntary action to designate FDEP as the non-Federal representative to conduct informal consultation and prepare a biological assessment in support of the state's potential request to assume administration of the CWA Section 404 program. These letters were prepared by our assumption team and reviewed by me, John and Steve. We understand that these drafts may require changes following conversations planned for next week.

Ex. 5 Deliberative Process (DP)

Please let me, John or Steve know if you need additional information or have any questions.

Thanks
Jeaneanne

<DRAFT Non-Federal Designation State of Florida Draft Letter to FDEP - 12-6-19_.docx>

<DRAFT Non-Federal Designation State of Florida Draft Letter to NMFS - 12-6-19.docx>